

Applicant: Jani, et al.
Application No: 10/664,427
Amendment and Response dated September 15, 2006
Office Action dated June 15, 2006
Page 3

REMARKS

Claims 18-21 currently are pending in this application. Claim 18 has been amended. No new matter has been added. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Applicants' Response to §103 Rejection over Hager in view of McDonald and LMC International

Claims 18-21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 4,975,288 to Hager et al. (hereinafter "Hager") in view of U.S. Patent No. 3,062,662 to McDonald (hereinafter "McDonald") and "LMC International Unveils Market's fastest ball lollipop machine" (hereinafter "LMC International"). Applicants respectfully request reconsideration on the basis that the cited combination fails to suggest Applicants' claims, as amended herein.

The Examiner contends that Hager discloses extruding chewing gum material from an extruder, batch forming chewing gum pieces and pouring or injecting a center-fill fluid into the interior of the chewing gum pieces. According to the Examiner, it would have been obvious to one skilled in the art to:

coat the center-filled gum in Hager et al with a molten candy material and insert a stick therein since it is well known to coat bubble gum with such a candy coating and insert a stick therein in the preparation of candy suckers in order to provide the suckers with an attractive form and appearance and with a means to hold the suckers, as evidenced by McDonald.

(Office Action, at Page 3).

The Examiner further asserts that it would have been obvious to one skilled in the art to form the suckers in the shape of a ball since it is known to prepare lollipops in the shape of a ball, as disclosed in LMC International.

Applicant: Jani, et al.

Application No: 10/664,427

Amendment and Response dated September 15, 2006

Office Action dated June 15, 2006

Page 4

Applicants have amended claim 18 herein to further define the claimed invention. In particular, amended claim 18 further defines the candy coating step to require "molding molten candy material around said center-filled gum material with rotating rollers in said batch forming mechanism". This amendment is supported by disclosure on pages 2-3, 6 and 9 of Applicants' specification.

Nowhere in Hager, McDonald or LMC International is such a step of molding molten candy material around a center-filled gum rope using rotating rollers disclosed, taught or suggested.

More specifically, Hager fails to contain any disclosure or suggestion of candy coating its center-filled gum material. Although the Examiner asserts that it would have been obvious to candy coat the center-fill gum of Hager in view of McDonald, McDonald is completely devoid of any disclosure relating to the candy coating process recited in Applicants' amended claim 18. McDonald merely discloses dip coating individual pieces of chewing gum. The process disclosed in McDonald involves heating candy material until it is a hot syrup. Individual chewing gum pieces, which each include a stick, are dipped into the hot syrup once or twice to obtain the desired amount of candy thereon. (McDonald; Col. 2, lines 14-23 and 37-39).

In contrast, Applicants' claimed process requires molding molten candy material around an extruded center-filled gum material, which is typically referred to as a "rope". The molten candy material is molded around the extruded gum material with rotating rollers. In particular, the rotating rollers form the candy material into a cone-shaped plastic mass around the gum material, or rope, as it proceeds through the batch forming mechanism. Individual lollipop balls are subsequently formed from the three-phase material, i.e., candy coated, center-filled gum material.

Applicant: Jani, et al.
Application No: 10/664,427
Amendment and Response dated September 15, 2006
Office Action dated June 15, 2006
Page 5

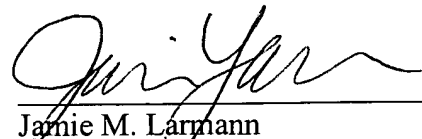
McDonald fails to contain any disclosure or suggestion of such a process for molding candy material around an extruded gum material and subsequently forming lollipop balls therefrom. Moreover, there is no suggestion in McDonald to modify its teachings to use rotating rollers to mold the candy material around the gum. McDonald merely relates to coating individual, pre-formed chewing gum pieces, which involves entirely different processing concerns from the present invention.

Furthermore, LMC International was merely cited for its disclosure of lollipops in the form of balls and fails to provide any disclosure of relevance to a process for molding candy around chewing gum material. Therefore, LMC International fails to cure the deficiencies of Hager and McDonald in this regard.

In view of the above, the combination of Hager, McDonald and LMC International fails to disclose or suggest Applicants' claim 18, as amended herein. Applicants respectfully submit that amended claim 18, and thus claims 19-21 which depend therefrom, are patentable over Hager, McDonald and LMC International, each taken alone or in combination. Reconsideration and withdrawal of the Section 103 rejection is respectfully requested.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



Jamie M. Lammann
Registration No.: 48,623
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700